

REMARKS

These remarks are responsive to the Final Office Action of July 10, 2008. Claims 37-43, 45, and 46 are pending in this application. Claim 37 has been amended. Reconsideration and allowance of the instant application are respectfully requested. Each of the Examiner's rejections is addressed below.

Section 103

In the Office Action, claims 37-43 and 45-46 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,689,850 to Shekalim ("Shekalim") in view of JP 2002-10832 ("JP '832") in further view of Halm. This rejection is respectfully traversed.

In particular, neither Shekalim nor JP '832, teaches or discloses a toothbrush with a cleaning head including a first cleaning/treating element adjacent a first end that is non-movable relative to the first end and is the endmost cleaning/treating element at the first end, and a second cleaning/treating element adjacent a free end that is non-movable relative to the free end and is the endmost cleaning/treating element at the free end, as required by independent claim 37. Instead, the examiner has relied upon Halm US 5,651,158 to teach placing non-moveable cleaning elements on opposite ends such that the moveable cleaning elements are located between the non-moveable cleaning elements. However, a review of FIGS 4a-4f of Halm does not show this structural relationship between moveable and non-moveable cleaning elements. For example, in FIG 4f, the moveable cleaning elements at the end adjacent to the handle appear to be at least as close to the handle and the non-moveable cleaning elements.

Further, as noted in the previous response, JP '832 does not disclose the required first and second cleaning/treatment elements that are endmost elements with respect to the first and free ends of the toothbrush. In JP '832, tufts 1 with supporting structure 2 are movable with respect to the free end of the brush, they are not fixed to the free end. Further, one skilled in the art would be taught away from having an endmost cleaning element at the free end that is fixed with respect to the free end. The purpose of the toothbrush of JP '832 is to have the movable tufts 1 located at the free end of the brush.

Providing fixed tufts at this location would go against the purpose and express teachings of JP '832.

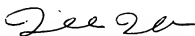
Accordingly, the rejection is improper and should be withdrawn.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,
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